

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRONSO CARRANZA

Petitioner,

No. C 08-2511 PJH (PR)

vs.

**ORDER DENYING
RESPONDENT'S MOTION
FOR STAY**

ROBERT AYERS, JR., Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner to challenge a Board of Parole Hearings decision denying him parole. Respondent now has filed a motion to stay this case indefinitely pending the en banc decision in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir.), *reh'g en banc granted*, No. 06-55392, slip op. at 1 (9th Cir. May 16, 2008).

Respondent asserts that a stay is warranted on basis of judicial economy because *Hayward* "may" decide various issues applicable to this case. It is an abuse of discretion for a district court to stay a habeas petition indefinitely pending appellate resolution of a different case involving parallel issues. *Yong v. INS*, 208 F.3d 1116, 1120-22 (9th Cir. 2000). Accordingly, the motion for a stay (document number 3 on the docket) is **DENIED**.

Respondent's motion for an extension of time to show cause (document 5) is **GRANTED**. He shall file his answer within thirty days of the date this order is entered. The deadline for petitioner to file his traverse, which is calculated from the date the answer is filed, remains the same.

IT IS SO ORDERED.

Dated: September 2, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ALFONSO CARRANZA,
Plaintiff,

Case Number: CV08-02511 PJH

CERTIFICATE OF SERVICE

v.

ROBERT AYERS JR. et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alfonso Carranza E-30803
San Quentin State Prison
3-N-96L
San Quentin, CA 94974

Dated: September 2, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk